

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

Baxley

Mailed: December 18, 2002

Opposition No. 152,940

Sinclair Oil Corporation

v.

Sumatra Kendrick

Andrew P. Baxley, Interlocutory Attorney:

On September 23, 2002, the Board issued an order instituting this proceeding and forwarded a copy of the notice of opposition to applicant. The parties, however, do not appear to have received the institution order.¹

Accordingly, the order is hereby vacated to the extent that applicant is allowed until **forty days** from the mailing date of this order to file an answer or other response to the notice of opposition.²

Discovery and trial dates are reset as follows:

DISCOVERY PERIOD TO CLOSE: **7/11/03**

Plaintiff's 30-day testimony period to close: **10/9/03**

¹ A copy of the institution order is enclosed with each party's copy of this order. A copy of the notice of opposition is also enclosed with applicant's copy of this order.

² Accordingly, applicant's consented motion (filed November 4, 2002) to extend time to answer is moot.

Defendant's 30-day testimony period to close: **12/8/03**

15-day rebuttal testimony period to close: **1/22/04**

In each instance, a copy of the transcript of testimony together with copies of documentary exhibits, must be served on the adverse party within thirty days after completion of the taking of testimony. Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.